

**A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND PURCHASE APPROXIMATELY 14.98 ACRES OF PROPERTY LOCATED AT 480 SOUTH EAST ENGLEWOOD AVENUE AND AT 1179 SOUTH EAST BOULEVARD ("THE PROPERTY"), FROM THE TRUST FOR PUBLIC LAND ("TPL"), IN AN AMOUNT NOT TO EXCEED SIX MILLION TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$6,215,000.00), FOR THE PURPOSE OF CREATING A NEW PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE AND PURCHASE SERVICES SHALL BE PAID FROM FUND, ACCOUNT, AND CENTER NUMBER: 1C53 (2005A PARK IMPROVEMENT BOND), 571001 (LAND) N12D11B69999 (CITY WIDE GROUND AND SITE IMPROVEMENTS); AND FOR OTHER PURPOSES.

WHEREAS, On August 7, 2006, the Trust for Public Land ("TPL") entered into a contract to purchase approximately 14.98 acres of property located at 480 South East Englewood Avenue, Parcel Identification Number 14-0042-0008-021 and at 1179 South East Boulevard, Parcel Identification Number 14-0042-0009-027 ("The Property") in the Boulevard Crossing area, from Louis A. Gary and Mary Anne Gary ("The Property Owner"), which is located along the proposed BeltLine in order to create a new park (see attached Exhibit "A"); and

WHEREAS, TPL has agreed to sell the Property to the City for an amount not to exceed the Fair Market Value, subject to the appropriate City approval processes; and

WHEREAS, TPL is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, provide tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

WHEREAS, the aforesaid Property Owner desires to remain on the Property as a tenant of the City for a period not to exceed twenty four (24) months from the date of acquisition (see attached Exhibit "B"); and

WHEREAS, purchasing the Property is consistent with the City's goal of greenspace acquisition, preservation and park expansion particularly in areas that are located along the proposed BeltLine.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with the Trust for Public Land to purchase approximately 14.98 acres of property located at 480 South East Englewood Avenue, Parcel Identification Number 14-0042-0008-021 and at 1179 South East Boulevard, Parcel Identification Number 14-0042-0009-027 in the Boulevard Crossing area (known as the "Property"), from Louis A. Gary and Mary Anne Gary, at a purchase price no greater than Fair Market Value.

SECTION 2: The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Chief Procurement Officer or his designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees, demolition, fencing, cleanup, closing costs and other costs of acquisition ("The City's Due Diligence and Purchase Services").

SECTION 3: The City's Purchase Price plus the City's Due Diligence and Purchase Services, shall be in an amount not to exceed \$6,215,000.00, and shall be paid from 1C53 (2005A Park Improvement Bond Fund) 571001 (Land) N12D11B69999 (City Wide Ground and Site Improvements).

SECTION 4: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Property.

SECTION 5: The City's Greenspace Acquisition Consultant, ("the Consultant") is authorized to settle the acquisition of the Property in an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 6: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

SECTION 7: The City is authorized to negotiate and enter into a Lease Agreement with the Property Owner in accordance with the terms and conditions as set forth in the attached Exhibit "B".

SECTION 8: Revenue received from the Lease Agreement will be deposited into Fund, Account, and Center Number: 1C53 (2005A Park Improvement Bond Fund) 462201 (Building Rentals) N12D11B69999 (Land Acquisition); and

SECTION 9: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 10: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance.

SECTION 11: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney.

SECTION 12: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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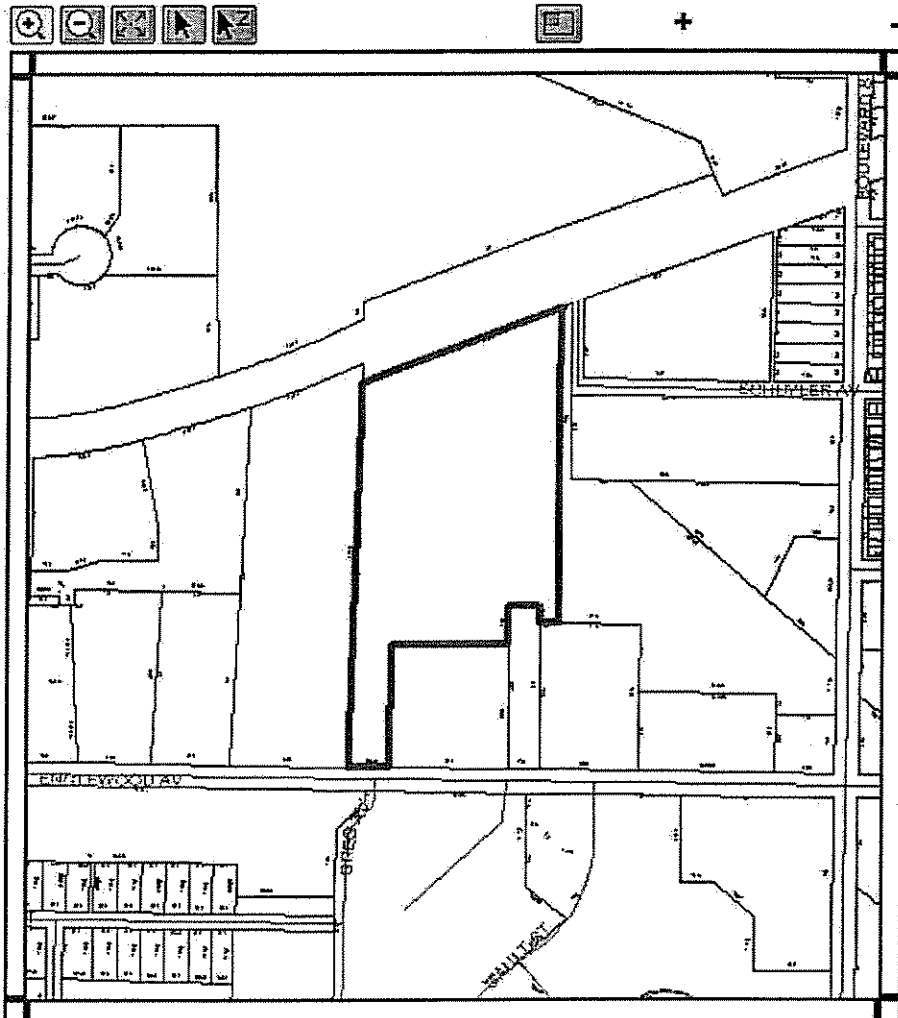
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GARY LOUIS A JR AND MARY

480 ENGLEWOOD AVE SE

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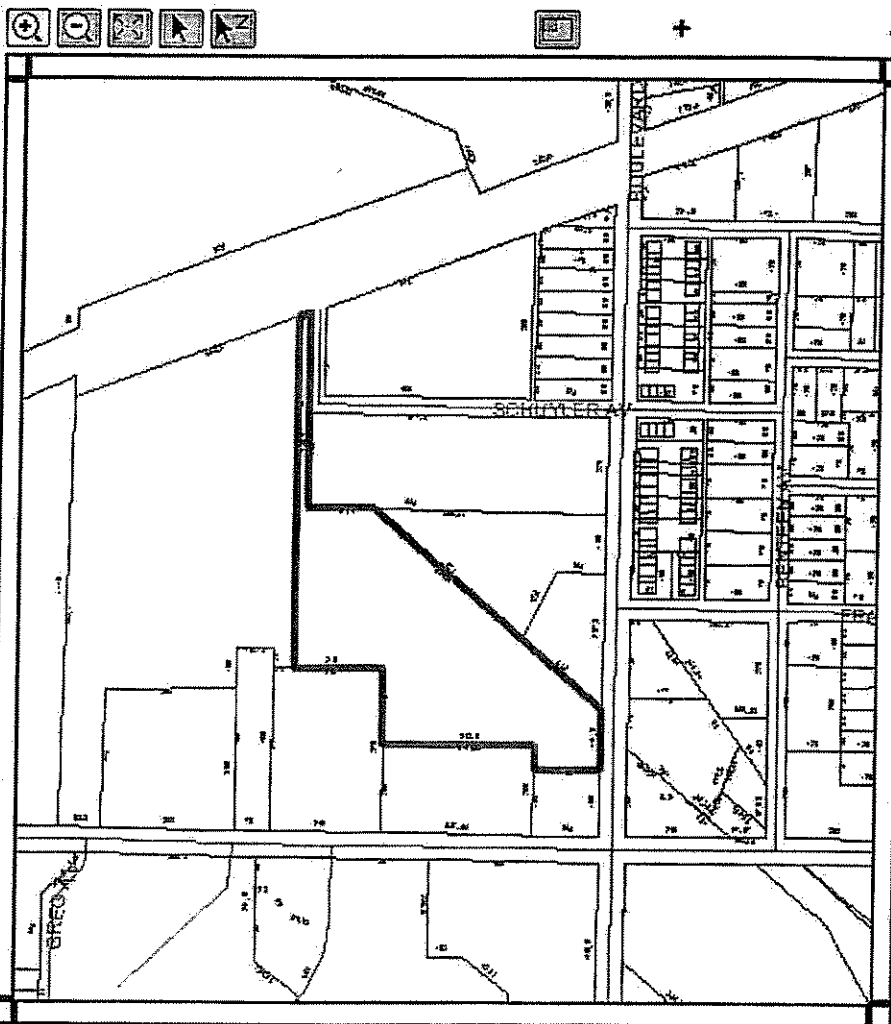
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1179 BOULEVARD . SE

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EXHIBIT B

LEASE TERMS

1. **LANDLORD:** Purchaser
2. **TENANT:** Peach State Wrecker Sales and Truck Equipment, Inc.
1179 Boulevard
Atlanta, GA 30312
Attn: James I. Gary

Citywide Wrecker Services, Inc.
480 Englewood Avenue
Atlanta, GA 30312
Attn: Louis A. Gary, III
3. **PROPERTY ADDRESSES:** 1179 Boulevard SE and 480 Englewood Ave SE
Atlanta, Georgia
4. **TERM:** 24 months from date of closing.
5. **ANNUAL RENT:** \$60,000 (at the rate of \$5,000.00 per month prorated as follows:
\$2,500 per month for 1179 Boulevard SE and \$2,500 per month for 480 Englewood Avenue SE.
6. **SECURITY DEPOSIT:** \$5,000 prorated as follows: \$2,500 for 1179 Boulevard SE and
\$2,500 for 480 Englewood Avenue SE.
7. **PERMITTED USES:** vehicle parking and general office.
8. **PUBLIC LIABILITY INSURANCE:** Bodily Injury: \$1,000,000; Property Damage
\$1,000,000.
9. **TRIPLE NET; TENANT REAL ESTATE TAXES NOT TO EXCEED:**
\$6,000 Annual, Map Ref. ending in 027-5
\$5,000 Annual, Map Ref. ending in 021-9
10. **TENANT TO REMOVE ALL DEBRIS PRIOR TO VACATING PROPERTY.**
11. **ENVIRONMENT:** Tenant will agree that the security deposit may be used by landlord for
any environmental remediation that might be needed to clean up the premises at the
expiration of the term that resulted from tenant's or permitted subtenant's use of the premises
after the commencement of this lease.